

Public Question for Controlled Projects

County Clerks'
Annual Conference
June 2013

Controlled Projects

- IC 6-1.1-20
- Petition requesting initiation of a referendum
 - IC 6-1.1-20-3.5
- Public question
 - IC 6-1.1-20-3.6
- Origination

Origination

- Meeting for preliminary determination
 - Notice in accordance with IC 5-3-1
 - Notice sent to clerk
- Preliminary determination
 - Notice in accordance with IC 5-3-1
 - Notice sent to clerk

Petition Phase IC 6-1.1-20-3.5

- Until July 1, 2013
- Elementary school building, middle school building or other school academic building for K-8 more that \$10 million
- High school building or other academic school building for grades 9-12 more than \$20 million
- Other controlled projects greater than the lesser of \$12 million or 1% of gross AV of at least \$1 million

Petition Phase IC 6-1.1-20-3.5

- Starting July 1, 2013
- Elementary, middle, high school building or other school academic building used for K-12 more than \$10 million
- Other controlled projects greater than the lesser of \$12 million or 1% of gross AV of at least \$1 million

Notice of Preliminary Determination

- Financial information
- Statement in notice indicating petition to initiate petition and remonstrance process **or** local public question under IC 6-1.1-20-3.6
- Petition filed not later than 30 days after publication of notice

Petition

- After the notice is given
- A petition requesting the application of the public question process under IC 6-1.1-20-3.6 may be filed by the lesser of 100 persons who are either owners of property within the political subdivision
- Or
- 5% of the registered voters residing within the political subdivision
- These forms are developed by state board of accounts

Petition for Referendum Forms

- 202 K- Petition Requesting the Application of a Local Public Question
- 202L- Instructions Relative to Circulation of the Petition
- 202M- Auditor's Verification Statement
- 202N – Voter Registration Office Certificate

Verification

- Voter registration office shall determine whether each signer is a registered voter
- Provide copy of the petition to county auditor not more than 15 business days after receiving
- Not more than 10 business days after receiving petition, the county auditor shall provide verification- Form 202 M
- Final certification made by the county voter registration office not more than 10 business days after receiving county auditor verification – Form 202 N

Verification

- If upon receipt of the petition the voter registration office determines that at least 125 registered voters signed the petition
- Certification to the auditor is not required
- Continuing to verify signatures is not required
- Voter registration certify to the political subdivision within 10 business days on form 202N

Public Question

- Petitioners don't obtain necessary signatures
 - The political subdivision may proceed with bond or lease
- Petitioners do obtain necessary signature
 - A political subdivision may not impose property taxes to pay debt service or lease rentals unless the project is approved in an election on a local public question
 - To continue with the project notice is provided to the county auditor

Public Question

- Question certified by DLGF
- Question certified by county auditor
- Question certified for ballot in May
 - After June 30, 2013 no later than noon 74 days before
- Question certified for ballot in Nov
 - No later than noon Aug1
 - May withdraw question no later than 63 days before election

Public Question

- Special election may be held either
 - First Tuesday after the first Monday in May
 - First Tuesday after the first Monday in Nov
- Question certified for ballot in May
 - After June 30, 2013 no later than noon 74 days before
- Question certified for ballot in Nov
 - No later than noon Aug1
- Subdivision that requests special election will pay costs
- Special election is under direction of county election board

Public Question

- Clerk certify results to
 - County auditor of each county which the political subdivision is locate
 - DLGF
- Majority of voters vote in favor
 - Bonds may be issued or lease may be entered into
- Majority of voters vote in opposition
 - Bonds may not be issued or leased may not be entered into
 - Another public question that is either the same or substantially so may not be submitted earlier than 1 year after the date of election
